

INDUSTRY CIRCULAR

OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE
ALCOHOL AND TOBACCO TAX DIVISION



WASHINGTON 25, D. C.

Industry Circular No. 57-25

August 22, 1957

ESTABLISHMENT OF NEW SYSTEM OF APPLYING FOR CERTIFICATE OF LABEL APPROVAL UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT

Proprietors of distilleries, rectifying plants, taxpaid bottling houses, breweries, and bonded wine cellars; wholesalers, and importers; and others concerned:

Purpose. The purpose of this circular is to familiarize you with the September 1957 revision of Form 1649, application for and certificate of label approval under the Federal Alcohol Administration Act.

Background. Heretofore this office has required the submission of labels covering alcoholic beverages on Form 1647, Application for Certificate of Label Approval Under the Federal Alcohol Administration Act. Pursuant to this form a certificate of label approval has been issued to the applicant on Form 1649, Certificate of Label Approval Under the Federal Alcohol Administration Act. The revised form combines Form 1647 and 1649 on one sheet of paper and will be used by all applicants in lieu of Form 1647 and prior revisions of Form 1649.

Procedure. This form will be executed in accordance with specific instructions contained thereon and will be submitted, in duplicate, by the applicant to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C.

With this new form, if the labels are in compliance with the regulations, the Director will sign and return to you one of the copies submitted, retaining the other for the Division's files. This procedure will provide a much more expeditious manner of handling the vast number of label approval applications received and should overcome the often serious delays under the old system where the certificate of approval had to be prepared in full by this office. If you are located a great distance from Washington and urgent approval is necessary, it is suggested that you enclose a self-addressed, pre-stamped air mail envelope, otherwise return of the certificate will be by regular mail.

The instructions on the form should be followed explicitly. If the form is not properly executed, or if the labels are not properly affixed or properly identified, as in Instruction C, it will be necessary to return the forms for re-execution even though the labels themselves may be in compliance with the regulations.

The form contains nine items to be filled in. Items 2 through 8 must be filled in by the applicant. Item 1 may be filled in by the applicant, if he wishes; some firms have found it desirable to serialize their labels (as A-1, A-2, etc.) for reference purposes and simplifying exchange of correspondence with this

office. Item 9 is for the use of the Government only and must not be filled in by the applicant. It will be noted on the reverse side of the form that there is a space for the date of approval and for the applicant's serial number if one is used. You may fill these spaces in when the certificate is returned so that in photostating, only one side of the certificate need be reproduced.

Submission of an unnecessary number of applications may be avoided by careful study of the coverage of the certificate outlined under the heading "Certificate of Label Approval". For example, many firms still submit separate applications for labels which differ only in proportionate size or by reason of a change in the statement of net contents. A reading of the coverage clause will show that this is not necessary.

With reference to Item 2 on the application portion of the form, your true name or operating name must always be shown. In addition, if your permit contains one or more bottling trade names and you use one of these names on the label in lieu of your true or operating name, insert, additionally, the one bottling trade name that is used on the label submitted. The address shown in Item 2 must be that of the plant where the bottling will take place. However, if you wish a certificate mailed to some other address, this information must be included in Item 7.

Under Item 6, state any wording, other than indicia information, blown or etched in the bottles or otherwise appearing on the container, as for example, on caps or cello seals. It is desirable to mark the use of such wording as "optional", so that it will not be necessary to resubmit an application in case you use plain glass, or plain caps, or plain cello seals. In some instances small brochures or pamphlets are affixed loosely to the neck of the bottle with the idea that they will be detached and read by the consumer; such brochures or pamphlets will not be required to be made a part of the label application, provided they are submitted for letter approval in advance of use.

The revised form contains an important innovation with regard to wine labels which will reduce the number of certificates necessary. In Instruction E, authorization is contained to obtain approval for wine-type designations in addition to the designation on the label submitted. These additional designations, as well as the designation on the label submitted, must be included in Item 5-B. This procedure is permissible only for labels that are identical in all respects except for the type designation. For example, a change of alcoholic content on the label, even if the wine is in the same taxable grade, would not be covered under the procedure outlined in Instruction E. All of the type designations you submit, and which are approved, will be typed on the back of the approval certificate under "Remarks". We reserve the right to disapprove any one or more of the proposed additional designations, if the finished label, as a whole, would not be proper under the regulations for use with the type designation applied for.

In the case of wines, further simplification has been made by eliminating submission of formulas for formula wines in a limited number of cases (see Instruction D-2). These exceptions apply only if you are the maker of the formula wine; the formula for purchased wine and the date of its approval must still be obtained from your supplier and submitted with the application. The exceptions, allowing formula wines to be submitted without a formula, apply only to Vermouth and to naturally sparkling wines (other than Champagne) made by yourself. Formulas for artificially carbonated wines must be

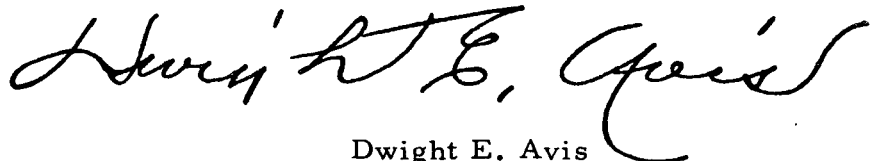
submitted, as well as formulas for bottle-process and bulk-process Champagne. Formulas for all flavored still wines (other than products designated "Vermouth") must continue to be submitted; for example, formulas must be submitted for wines designated "Aperitif Wine", "May Wine", "Retsina", and for wine specialties designated with statements of composition.

While the instructions contemplate submission of only two copies of this form, some firms prefer to have duplicate copies for their main office files. In such cases, submit 3 copies of the form, each fully executed, with labels properly affixed, with the notation "Duplicate Certificate Requested".

Applications for certificates of exemption from label approval will continue to be submitted on Form 1648, Application for Certificate of Exemption from Label Approval Under the Federal Alcohol Administration Act.

Copies of the September 1957 revision of Form 1649 may be obtained from the Office of the Assistant Regional Commissioner, Alcohol and Tobacco Tax, in your respective region, on or about September 1, 1957.

Inquiries. Correspondence in regard to this Industry Circular should refer to the number thereof and to the Symbols O:AT:BP.



Dwight E. Avis
Director, Alcohol and Tobacco Tax Division